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Docket No.: WMH-0738

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By: 

Date: June 16, 2005

UNITED STATES IN THE PATENT AND TRADEMARK OFFICE

Applic. No. : 10/532,181
Applicant : Christian Pfau et al.
Filed : April 21, 2005
Title : Method of Fastening a Tool in a Tool Chuck
Art Unit : to be assigned
Examiner : to be assigned

Docket No. : WMH-0738
Customer No. : 24131

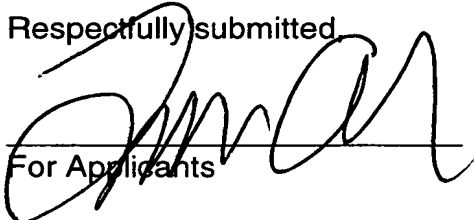
LETTER

Hon. Commissioner for Patents

Sir:

Enclosed please find a copy of the English translation of the International Preliminary Examination Report for the above-identified application. Please enter it into the file.

Respectfully submitted


For Applicants

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Date: June 16, 2005

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PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

HEYERHOFF, Markus
Patent- und Rechtsanwaltskanzlei Daub
Goldbacher Strasse 60
88662 Überlingen
ALLEMAGNE

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02.06.05

Date of mailing (day/month/year)
26 May 2005 (26.05.2005)

Applicant's or agent's file reference
ZO 738 WO

International application No.
PCT/EP2003/011593

International filing date (day/month/year)
20 October 2003 (20.10.2003)

Applicant

E. ZOLLER GMBH & CO. KG et al

IMPORTANT NOTIFICATION

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011593



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ZO 738 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/011593	International filing date (day/month/year) 20 October 2003 (20.10.2003)	Priority date (day/month/year) 21 October 2002 (21.10.2002)
International Patent Classification (IPC) or national classification and IPC B23Q 17/22, G05B 19/401, G01B 11/02		
Applicant E. ZOLLER GMBH & CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 March 2004 (19.03.2004)	Date of completion of this report 10 December 2004 (10.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011593

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-16, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-23, filed with the letter of 11 October 2004 (11.10.2004)
- ☒ the drawings:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011593

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 8-23

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 8-23

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/11593

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-5, 7	YES
	Claims	1, 6	NO
Inventive step (IS)	Claims	2	YES
	Claims	1, 3-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1) Cited documents

D1 WO-02/18093-A

D2 EP-1103338-A

Subsequently published documents (PCT Rule 64.3):

D3 WO-03/106105-A Priority date: 18.06.2002
Filing date: 18.06.2003
Publication date: 24.12.2003

D4 EP-1 310 323-A Priority date: 17.05.2002
Filing date: 11.11.2002
Publication date: 14.05.2003

2) Novelty

The current application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 6 lacks novelty (PCT Article 33(2)).

Document D1 discloses (see page 10, lines 4 to 12; page 17, line 15 to page 18, line 17) a method as

per the preamble of claim 1, the tool being positioned based on the determined actual position of an upper end of the tool (see page 18, lines 9 to 12).

The subject matter of claim 1 thus lacks novelty.

The applicant should note that the current claim 1 does not rule out the possibility of referring to the tool length when proceeding from the actual position of the tool (see also page 11, lines 17 and 18 of the current application).

D1 also discloses the method as per claim 6 (see page 19, lines 1 to 9).

3) **Inventive step**

The method as per claims 3 to 5 and 7 does not involve an inventive step.

Claim 3: it is obvious to a person skilled in the art to hold the tool during the shrink-fitting and measuring procedures using the same tool holder, in order to automate the process (see, for example, D2, \$11).

Claim 4: the additional features in this claim are common method features and are known, for example, from D2 (see figure 1 and \$11-13).

Claim 5: the use of a tool magazine for storing tools using the same tool chuck is a common procedure for managing tools in a manufacturing workshop.

Claim 7: the use of a data carrier on the tool chuck for storing or recording the position of a tool is a conventional measure.

4) Invention

The subject matter of claim 2 is novel and inventive.

The prior art does not disclose monitoring of the actual position of the tool during insertion.

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